

REMARKS

This is a full and timely response to the Decision on Appeal mailed January 16, 2009.

Rejection under 35 U.S.C. §103

Claims 25-39 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gerace (U.S. Patent No. 5,848,396) in view of Domine et al. (U.S. Patent No. 5,949,419). This rejection has been reversed by the Board of Patent Appeals and Interferences in its Decision on Appeal dated January 16, 2009. Thus, Applicant believes that this rejection has been withdrawn in accordance with the Board's Decision.

Obviousness-Type Double Patenting Rejection

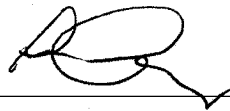
Claims 25-39 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 2, 5 and 7-12 Matsumoto (U.S. Patent No. 6,763,334). In the interest of expediting the allowance of the present application, Applicant has submitted herewith a terminal disclaimer in accordance with U.S. practice. Thus, withdrawal of this rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: February 17, 2009

Respectfully submitted,

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 50-4422 for any such fees; and applicant(s) hereby petition for any needed extension of time.